



Minutes of the meeting of the **Overview & Scrutiny Committee** held in Virtually on Tuesday 22 March 2022 at 2.00 pm

**Members Present:** Mrs C Apel (Chairman), Mrs T Bangert (Vice-Chairman), Mr G Barrett, Mrs N Graves, Mr T Johnson, Mr A Moss, Mr D Palmer, Mr C Page, Mr H Potter, Mrs C Purnell, Mrs S Sharp and Mrs S Lishman

**Members not present:**

**In attendance by invitation:**

**Officers present:** Mrs S Archer (Enforcement Manager), Baker-Moore, Mr N Bennett (Divisional Manager for Democratic Services), Ms P Bushby (Divisional Manager for Communities), Mrs V McKay (Divisional Manager for Growth), Mr J Mildred (Divisional Manager for Corporate Services) and Mrs L Rudziak (Director of Housing and Communities)

## 55 **Chairman's Announcements**

One apology was received from Cllr Tim Johnson noting he would be arriving late for the meeting.

## 56 **Minutes**

### **RESOLVED**

That the minutes of the meeting held on 18 January 2022 be approved as a correct record.

## 57 **Urgent Items**

There were no urgent items.

## 58 **Declarations of Interests**

There were no declarations of interest.

## 59 **Public Question Time**

No public questions were received.

## 60 **Planning Enforcement**

The Chairman invited Mrs Archer to introduce the report.

During the discussion Members raised concerns regarding the visibility and accessibility of Enforcement Policy and Cases, specifically Public and Parish Council access and the potential of an update to the Enforcement Strategy, which hasn't been reviewed since it was written in 2014.

Mrs Archer suggested that Officers could produce some simple instructions and FAQs to allow Parish Councils to access ongoing cases more easily.

Mrs Stevens confirmed that the visibility and accessibility of and potential updates to Enforcement Policy will form part of the upcoming Service Plan Projects, during which concerns will be considered and addressed accordingly.

Cllr Purnell raised a question relating to the immunity granted to breaches of planning control if they have existed without action taken for either 4 or 10 years (as set out in the Town and Country Planning Act 1990). Mrs Archer clarified that once a notice is served the period for immunity is cut off.

Cllr Palmer drew the Committee's attention to the large number of ongoing Enforcement cases into unauthorised Gypsy and Traveller developments. After some discussion amongst Members and Officers, Cllr Palmer resolved to propose a change to the recommendations later in the meeting.

In response to Cllr Sharp, Mrs Archer explained that Chichester District Council's Enforcement guidance is similar to that of most other authorities as it is guided by Government legislation, noting in particular that there is no significant difference between the guidance of CDC and the Southdowns National Park Authority.

Mrs Archer responded to Cllr Sharp's questions regarding tree protection and habitat conservation and explained that trees in a conservation area or under a Tree Protection Order are subject to enforcement.

Cllr Moss asked, in relation to new (particularly large-scale) developments, if the landscape was being sufficiently protected i.e. through the planting of new trees. Mrs Archer acknowledged that the department could be more proactive, rather than responsive, in this regard and that post-development site checks could be added to Officers' schedules moving forward.

Cllr Moss, on behalf of Cllr Bangert, asked whether Enforcement efforts should prioritise habitual offenders (in breaching Planning policy), commenting that public perception is often that developers are allowed to flout the law.

Mrs Archer cautioned against a focus on 'perception', advising that Planning Enforcement must be proportionate with a focus on the scale of harm a specific breach is having. Mr Bennett endorsed Mrs Archer's remarks adding that if an Enforcement issue reaches Court, the evidence presented can only take into account the particular case in question; noting however, that if a case reaches the point of sentencing, the longer term picture is taken into account.

The Monitoring Officer having listened to members views provided advice to Cllr Palmer on wording his proposal which was seconded by Cllr Moss. Cllr Palmer proposed an addition to the recommendations which was agreed by the Committee in a vote as follows:

## **RESOLVED**

1. That the Committee notes the operation of the planning enforcement process
2. That the committee notes that:
  - (a) There are a substantial number of enforcement investigations into unauthorised developments and notes that policy in this are will shortly be reported upon and;
  - (b) Requests that any upcoming related reviews include express focus of greater transparency planning enforcement.

The Chairman asked for a show of hands and the new recommendations were carried, with one abstention from Cllr Sharp.

The Chairman, endorsed by members, thanked Mrs Archer and her team for their work.

## **61 Scope for East Pallant House Options Appraisal**

The Chairman invited Mr Mildred to introduce the report.

Mr Mildred explained that since the previous report, produced four years ago, working circumstances have changed significantly; largely resulting from new working arrangements in response to the COVID-19 pandemic. He noted that as an organisation Chichester District Council is moving towards a hybrid system of working, with employees working from home some of the time whilst maintaining an office base.

In response to Cllr Purnell Mr Mildred explained that the purpose of the appraisal is to value all elements of the East Pallant site and to investigate costs of a potential purpose-built new build.

Cllr Johnson proposed an amendment to Recommendation 2.1 which was seconded by Cllr Moss. In a vote the recommendation was carried as follows with one abstention from Cllr Sharp:

## **RESOLVED**

**That the Overview and Scrutiny Committee considers proposals for the East Pallant House options appraisal and recommends it to Cabinet, to include existing Chichester District Council Property.**

Cllr Sharp commented on the importance of the current setting of the East Pallant House Building (including the trees on the site), the potential environmental cost of embedded carbon when buildings are demolished, and the value derived from all elements of the Council working together and sharing a building.

Cllr Moss questioned what future involvement members would have in the decision-making process, further to which Cllr Purnell highlighted that the report at this stage does not provide the Committee with a full scope of options. Members agreed that future discussions are therefore required before a decision is referred to Cabinet. Mr Mildred acknowledged Members' concerns and suggested that a natural point for Members reengagement would be upon receipt of the reports from outside consultants.

There was considerable debate about how best to involve Councillors at each stage of the process. Members indicated that any reports produced should be brought before a politically balanced Task and Finish Group, whose membership should not be drawn solely from the Overview and Scrutiny Committee.

Mrs Rudziak further reassured Members that any final decision on the future of East Pallant House, due to the significant financial implications, would go to Full Council where all Members will have a chance to contribute to the debate.

In a vote recommendation 2.2 was carried as follows:

## **RESOLVED**

**That the Cabinet is recommended to agree up to £20,000 from reserves to fund a third party to undertake the detailed valuation exercise to inform the options appraisal.**

Cllr Moss proposed an additional recommendation which was seconded by Cllr Johnson. In a vote the recommendation was carried as follows:

## **RESOLVED**

**That the Cabinet is recommended to establish a Councillor Task and Finish group to be consulted throughout the process.**

Councillors Johnson, Page and Palmer gave apologies and left at 16.20. The Committee adjourned for a break from 16.20 to 16.30.

## **62 Development of Barnfield Drive - Post Project Evaluation**

The Chairman invited Mrs McKay to present the report.

In response to a question from Cllr Purnell, Mrs McKay clarified that Brookhouse hold a lease from Chichester District Council, that the occupiers of the individual

units pay their rent to Brookhouse and Brookhouse pay a percentage to the council (the specific figures of which are highlighted in Appendix 2).

Members discussed the advances and potential disadvantages of the development; highlighting that accessibility for cyclists and pedestrians should be kept in mind for future developments.

In response to Cllr Potter's question relating to 'Note 1' in the Part II Appendix Mrs McKay agreed to provide a written response. *Post Meeting Note: This was circulated to members of the Committee following the meeting.*

Cllr Bangert commented that the development site would benefit from more landscaping to make the area more visually attractive. Cllr Purnell asked for an update on the development of a linear parkway on the site. Mrs McKay agreed to provide a written response after re-visiting the original planning conditions. *Post Meeting Note: This was circulated to members of the Committee following meeting.*

The Committee having considered the report had no further actions to recommend to Cabinet.

**63 Late Items**

There were no late items.

**64 Exclusion of the Press and Public**

There were no exceptions that required the exclusion of the Press and Public.

**65 Development of Barnfield Drive - Post Project Evaluation - Appendix 2 - Financial and contract detail summary**

The meeting ended at 4.49 pm

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CHAIRMAN

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Date:

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